

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

v.

SCOTT ABRAHAM GROOM,

Defendant.

Case No. 3AN-13-05483 CR

*A-13288*  
*FC CA 2-24-21 ja*

**REPORT FOLLOWING REMAND**

On December 23, 2020, the Court of Appeals remanded this case to conduct a representation hearing, ordering a report back by January 20, 2021. That time limit was subsequently extended to February 25, 2021. Accordingly, this court scheduled a representation hearing for January 28, 2021. Mr. Groom failed to appear. His counsel reported that he had a conflicting dental appointment and requested a continuance. Her request was granted, and the hearing was reset for February 19, 2021.

Mr. Groom and his counsel attended the hearing telephonically, as he remains in Wisconsin. He was angry, at the outset, that he was required to appear before the undersigned again. After the court read him the cautionary language suggested by the Court of Appeals, and the language from the order describing the limitations on reply briefs, he could no longer contain his anger. He repeatedly interrupted the court despite being instructed to stop doing so. Finally, as the court was beginning a line of questioning exploring his competency and willingness to obey court rules, he hung up the phone, as he has done several times in the past. His severing of communications prevented a full record from being developed on the issues this court directed to be

covered at the hearing. Thus, as of this date, this court lacks sufficient information to conclude 1) that there are any good grounds to appoint new or different counsel at public expense, 2) that Mr. Groom fully appreciates the dangers of representing himself, and 3) that he is minimally competent to do so and can present a comprehensible argument on appeal. To the contrary, based on past experience and his current behavior, this court believes the chances are high that Mr. Groom will attempt to file whatever he pleases, regardless of any instruction; and that he will interrupt and actively disrupt any hearing that he doesn't feel is going his way. However, the court notes that he did behave more properly when he was in front of the jury, so his behavior may depend on the audience. And, while he clearly has very strong opinions that the court system and his assigned counsel are corruptly conspiring to deny him justice, and are also incompetent, his arguments are largely non-specific and unsupported by any citations to the record, or otherwise. Whether they are comprehensible may be judged by the Court of Appeals, as a recording of the hearing is attached.<sup>1</sup>

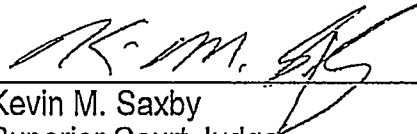
In short, Mr. Groom has, by voluntarily absenting himself from the hearing, failed to carry his burden to establish any grounds for reassignment or to express a knowing, intelligent and voluntary waiver of his right to counsel. This court, therefor, concludes that his currently-assigned Assistant Public Defender should continue to represent him.

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<sup>1</sup> Because attorney-client issues were discussed, the attachment has been "SEALED" and will not be provided to the parties.

IT IS SO REPORTED.

Dated at Anchorage, Alaska this 23rd day of February, 2021.

  
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Kevin M. Saxby  
Superior Court Judge

I certify that on 2/23/21 a copy  
of the above, minus any attachment, was  
e-mailed to each of the  
following at their addresses of record:

DA/Greub, PD/K.Taylor & J. Tapp / COA  
S. Soucy, Judicial Assistant  
